

D. Victoria Baranetsky (SBN #311892)  
THE CENTER FOR INVESTIGATIVE REPORTING

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Attorney for Plaintiff

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Attorneys for Defendant

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

THE CENTER FOR INVESTIGATIVE  
REPORTING,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF  
JUSTICE,

Defendant.

CASE NO. 3:17-cv-06557-JSC

**SECOND JOINT STATEMENT AND  
STIPULATION; PROPOSED JUDGMENT**

**JOINT STATEMENT AND STIPULATION**

Pursuant to the Court's November 5, 2018, Order (ECF 50), Plaintiff The Center for Investigative Reporting ("CIR" or "Plaintiff") and Defendant United States Department of Justice ("DOJ" or "Defendant") respectfully submit this joint statement and stipulation and proposed final

PROPOSED JUDGMENT  
17-CV-06557 JSC

1 judgment for the Court's consideration.

2       Whereas the parties previously informed the Court, the parties have met and conferred regarding  
3 Plaintiff's claim for attorneys' fees and costs and have reached agreement to reserve their respective  
4 rights and re-visit the issue following Plaintiff's expected appeal of the Court's judgment in this action;

5       Whereas the parties have also met and conferred regarding Plaintiff's claim concerning the  
6 adequacy of Defendant's search for records outside of the Firearm Trace Systems database responsive  
7 to Plaintiff's FOIA request, which was not resolved on summary judgment (*see, e.g.*, ECF 39 at 17; ECF  
8 50 at 1);

9       Whereas, based on additional information provided by Defendant to Plaintiff regarding the  
10 searches conducted by Defendant outside of the Firearm Trace Systems database in response to  
11 Plaintiff's FOIA request, Plaintiff has agreed, and the parties hereby stipulate, to dismiss Plaintiff's  
12 claims regarding the adequacy of such searches.

13       In order to permit Plaintiff's expected appeal to proceed, the parties respectfully request that the  
14 Court enter the proposed judgment in this action.

15       IT IS SO STIPULATED.

16 Dated: November 9, 2018

ALEX G. TSE  
United States Attorney

18 /s/ Robin M. Wall

19 Robin M. Wall  
Assistant United States Attorney  
Attorneys for Defendant  
U.S. Department of Justice

21 Dated: November 9, 2018

D. VICTORIA BARANETSKY

23 /s/ D. Victoria Baranetsky

24 D. Victoria Baranetsky  
Attorney for Plaintiff  
Center for Investigative Reporting

**CERTIFICATION**

Pursuant to Civil Local Rule 5-1(i)(3), the undersigned hereby attests that Victoria Baranetsky has concurred in the filing of this document.

Dated: November 9, 2018

ALEX G. TSE  
United States Attorney

/s/ Robin M. Wall  
Robin M. Wall  
Assistant United States Attorney  
Attorneys for Defendant  
U.S. Department of Justice

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20 Attorneys for Defendant

21 UNITED STATES DISTRICT COURT  
22 NORTHERN DISTRICT OF CALIFORNIA  
23 SAN FRANCISCO DIVISION

24 THE CENTER FOR INVESTIGATIVE  
25 REPORTING,

26 Plaintiff,

27 v.

28 UNITED STATES DEPARTMENT OF  
JUSTICE,

Defendant.

) CASE NO. 3:17-cv-06557-JSC

) **PROPOSED JUDGMENT**

**JUDGMENT**

The issues having been fully considered, and the Court having granted in part and denied in part the parties' cross-motions for summary judgment, it is hereby Ordered and Adjudged that judgment be entered in part in favor of Defendant against Plaintiff, as to those claims decided in Defendant's favor in

1 the Court's order of July 10, 2018 (ECF 39); that Plaintiff's claims regarding the adequacy of  
2 Defendant's searches outside of the Firearm Trace Systems database be dismissed pursuant to the  
3 stipulation and agreement of the parties; and that the action be dismissed.

4 SO ORDERED.

5  
6 Dated: \_\_\_\_\_, 2018

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7 HON. JACQUELINE SCOTT CORLEY  
8 United States Magistrate Judge  
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